

AO 91 (Rev.5/85) Criminal Complaint

United States District Court

NORTHERN DISTRICT OF CALIFORNIA JAN 29 A 11:34

UNITED STATES OF AMERICA

V.

ORBIL ROBLES OCEGUEDA

a/k/a Luis Rene Martinez

RICHARD W. WIEKING
CRIMINAL COMPLAINT
U.S. DISTRICT COURT
NO. DIST. OF CA. S.J.

CASE NUMBER:
08 70045

I, the undersigned complainant being duly sworn, state the following is true and correct to the best of my knowledge and belief. On or about November 19, 2002 in Santa Clara county, in the Northern District of California, the defendant(s) did, willfully and knowingly make a false statement in an application for a passport with intent to induce or secure the issuance of a passport under the authority of the United States, either for his own use or the use of another, contrary to the laws regulating the issuance of passports or the rules prescribed pursuant to such laws

in violation of Title 18 United States Code, Section 1542.

I further state that I am a Special Agent and that this complaint is based upon the following facts:

See affidavit of Jeffrey C. Dubsick, attached hereto and incorporated by reference

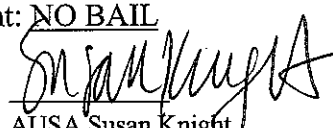
Maximum penalties: 10 years imprisonment, \$250,000 fine, 3 years supervised release, \$100 special assessment

Continued on the attached sheet and made a part here of: (X) Yes () No

Warrant of Arrest Requested: (X) Yes () No

Bail Amount: NO BAIL

APPROVED AS TO FORM:


AUSA Susan Knight


Jeffrey C. Dubsick, Special Agent, DSS

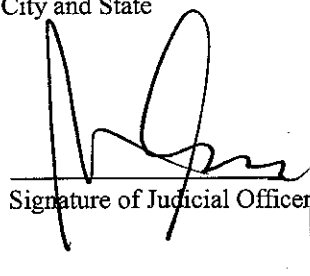
Sworn to before me and subscribed in my presence,

January 29 2008
Date

at

San Jose, California
City and State

Howard R. Lloyd
United States Magistrate Judge
Name and Title of Judicial Officer


Signature of Judicial Officer

NORTHERN DISTRICT OF CALIFORNIA

County of Santa Clara, CA

) ss. AFFIDAVIT

)

AFFIDAVIT IN SUPPORT OF CRIMINAL
COMPLAINT CHARGING ORBIL ROBLES OCEGUEDA
a.k.a. LUIS RENE MARTINEZ
WITH VIOLATING 18 U.S.C. § 1542

Background

1. I am a Special Agent employed by the Diplomatic Security Service (DSS) which is an agency of the United States State Department. DSS Special Agents are empowered under Title 22 U.S.C. § 2709 to investigate passport fraud.

2. I have a bachelor's degree from the University of California and am a graduate of the Federal Law Enforcement Training Center's Criminal Investigator Training Program. I have been employed by DSS since December 2004, and have received and receive on an ongoing basis, training in the laws, rules and regulations concerning passports. My previous investigations have resulted in over 40 convictions for passport fraud or a related offense.

3. This affidavit establishes probable cause to arrest ORTIZ ROBLES OCEGUEDA for False Statement in Application for a Passport, in violation of 18 U.S.C. § 1542. ORBIL ROBLES OCEGUEDA is alleged to have applied for a United States passport in the false name of LUIS RENE MARTINEZ. It should be noted that 18 U.S.C. § 3291 provides for a ten year statute of limitations for passport offenses. This affidavit does not contain every fact, piece of information or evidence concerning this alleged violation.

Passports in General

4. The Passport Act of 1926, as amended, was in full force and effect throughout the period of this investigation. This Act, codified in 22 U.S.C. § 211a, authorized the United States Secretary of State to grant and issue United States passports under rules prescribed by the President and/or other federal laws. Some of these rules are that a person wanting a United States passport must complete and submit an application to the State Department and must submit proof of American citizenship, usually a birth certificate, and proof of identity, usually a driver's license, with their application. Another rule allows officers at certain Post Offices to accept passport applications, and to then forward them to the State Department for processing.

Facts Supporting Probable Cause

5. On or about November 19, 2002, a person purporting to be LUIS RENE MARTINEZ submitted an application for a United States passport at the San Jose Post

Office, which is located in the Northern District of California. A review of this application and other State Department records disclosed this person submitted a passport application photograph and California driver's license number D4139714 with his application, and that he listed the following information, in sum:

Name: LUIS RENE MARTINEZ

Birth date: May 13, 1965

6. During processing of this application, passport issuance officers suspected the applicant was an imposter and referred his application to DSS for criminal investigation. In January 2003, DSS Special Agents invited the passport applicant to a personal interview but he did not show up for his scheduled appointment. DSS Special Agents could not locate the passport applicant at that time, and his passport application was considered abandoned.

7. In January 2008, as part of a "Cold Case" type review of this application, I obtained a copy of the fingerprint associated with California driver's license D4139714 from the California Department of Motor Vehicles (DMV). As mentioned above, this California driver's license was submitted by the applicant during the passport application process. I then submitted this fingerprint to the Department of Homeland Security (DHS) for review. On January 20, 2008, DHS reported in writing to me that the fingerprint associated with this driver's license, matched ones previously on file for ORBIL ROBLES OCEGUEDA. DHS further reported that ORBIL ROBLES OCEGUEDA had previously been encountered by the Santa Clara County Sheriff with California driver's license number A8541520, issued to him in the name of ORBIL ROBLES OCEGUEDA.

8. On January 21, 2008, I obtained a copy of the photograph associated with California driver's license number A8541520 from the DMV, issued in the name of ORBIL ROBLES OCEGUEDA. I compared the person in this DMV photograph with the person in the above mentioned passport application photograph, and observed them to be one and the same. In other words, both a fingerprint match and a photograph comparison identify the LUIS RENE MARTINEZ passport applicant as being ORBIL ROBLES OCEGUEDA.

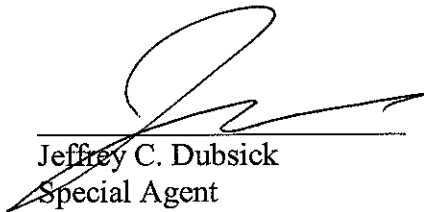
9. On January 21, 2008, I also reviewed records on file at the Santa Clara County Sheriff's Office concerning ORBIL ROBLES OCEGUEDA. The review disclosed that the Honorable Diane Northway issued a bench warrant for his arrest on January 24, 2000, for Failing to Appear for a criminal case. The review also disclosed that this bench warrant was still active and that ORBIL ROBLES OCEGUEDA is currently a fugitive from Santa Clara County.

10. I know from my training and experience that ORBIL ROBLES OCEGUEDA was the applicant for the aforementioned passport. I also know that fugitives from justice sometimes apply for United States passports using false names and false identification documents. At least five of my previous investigations which resulted in convictions concerned fugitives who applied for passports in false names. I know from my training

and experience, that at least one motive for ORBIL ROBLES OCEGUEDA applying for a passport in the false name of LUIS RENE MARTINEZ was to flee his criminal charges in Santa Clara County.

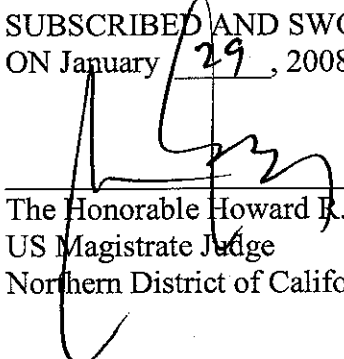
Conclusion

11. Based on the facts and information detailed in the affidavit, I believe probable exists that ORBIL ROBLES OCEGUEDA violated False Statement in Application for a Passport, in violation of 18 U.S.C. § 1542, when he falsely stated his name was LUIS RENE MARTINEZ, on the aforementioned passport application which was submitted in the Northern District of California.



Jeffrey C. Dubsick
Special Agent
Diplomatic Security Service
San Francisco Field Office

SUBSCRIBED AND SWORN BEFORE ME
ON January 29, 2008



The Honorable Howard R. Lloyd
US Magistrate Judge
Northern District of California